

Remarks

In the Final Rejection dated October 17, 2008 the Examiner rejected Claims 1, 2, 8, and 9 under 35 U.S.C. §102(b) as being anticipated by JP 10-99236 (hereinafter Katsuji) as set forth in the previous Office Action. The Examiner stated Claims 3 through 7 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. The amendments submitted herewith make no changes to claims 1, 2, 8, and 9 and rewrite Claims 3 through 7 to include the subject matter of the claims upon which they depend as amended claim 3 and dependent claims 4-7. By this action, Claims 3 through 7 should be deemed allowed as claim 3 is now in independent form and claims 4-7 are directly or indirectly dependent on claim 3. For reasons given below reconsideration and allowance of Claims 1, 2, 8, and 9 is in order and allowance of these claims is also respectfully requested.

Attached to this response is a copy of the International Preliminary Examination Report dated 09.08.2004 issued by the International preliminary examining authority. This document is supplied in case a copy was not sent directly to the Examiner by the Examining authority and is of obvious relevance inasmuch as the Katsuji reference was considered during the preliminary examination and a finding was made that the subject matter of all claims met the requirements of the PCT for novelty and inventive step.

In addition, a sample of a product incorporating the features of the claims is being delivered to the Examiner to be considered as an exhibit. It is hoped that this sample will be of help to the Examiner in visualizing differences between Katsuji and the rejected claims

The Examiner is asked respectfully to reconsider his rejection of Claims 1, 2, 8, and 9 as being anticipated by Katsuji and either allow them or plainly explain how the reference is applied. Applicants maintain as will be demonstrated below that there are significant claim differences that warrant withdrawal of the rejection and there being no other rejection of them, the rejected claims should be either allowed or the finality of the rejection be withdrawn if the Examiner has other reasons for a rejection of them.

A careful review of Claim 1 will show that it recites in relevant part "two opposite holding side walls having top edges to which two edges of an annular seat surface are joined respectively along respective fold lines. In addition, the claim requires supporting side walls connecting the holding side walls and having upper edges forming a supporting periphery that supports the seat surface" (emphasis added). The Examiner is respectfully requested to explain how one can reasonably interpret this language to be readable on Katsuji. Reading the claims in light of applicants' disclosure it should be clear that the annular seat surface pieces have two edges which are joined to the upper top edges of the holding sidewalls (Claim 1, lines 5-7) and that the supporting side walls have upper edges that form a supporting periphery that supports the seat surface. If as the claim requires the annular seat surface pieces have edges which are joined along fold lines to the holding side walls, where in Katsuji are the upper edges of supporting side walls forming a supporting periphery that supports these seat surface pieces? Granted that the walls support each other without which the seat surface would collapse, it should be clear without any doubt that claim 1 defines a combination in which the annular seat surface pieces are joined to the top edges of the holding side walls and supported on the periphery of the supporting side walls. This is in direct contrast to Katsuji where each of the 3 seat portions are independently supported on one of the wall sections 2, 3 and 4.

The claimed cooperation between the walls and the annular seat surface pieces is utterly missing in Katsuji.

From the above it should be clear that the Examiner's explanation in paragraph No. 1 of the Office Action that "In the Katsuji reference the seat surface is member 31 and the upper edges is at 3A is (sic) integrally support the seat surface" is not a correct complete or understandable explanation required of an anticipation rejection. A correct analysis of independent Claim 1 and dependent claims 2, 8 and 9 will show that the seat in Katsuji (1) is not shown to be annular, (2) that the structure shown for wall 1 with its raised, curved upper edge would not lend itself to providing support for an annular seat portion and (3) that there is no showing in Katsuji of annular seat surface portions joined to the periphery of holding sidewalls and supported on the periphery of supporting sidewalls. This arrangement is unique and provides exceptional stability when in use and collapsibility for disposal.

It is accordingly respectfully requested that the final rejection on the grounds of anticipation be withdrawn and that the claims rejected as anticipated as well as the claims indicated to be allowable if rewritten to include the subject matter of the claims on which they depend be allowed.

It is noted that this reply is filed within two months of the mailing date of the Final Action.

If the Examiner has any questions or believes an interview would be helpful he is invited to call the undersigned.

Respectfully submitted,

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Date

/Charles H. Lindrooth/

Charles H. Lindrooth, Reg. No. 20,659
Fox Rothschild LLP
1101 Market Street; Suite 2600
Philadelphia, PA 19107-2950
Tele: (215) 923-4466
Fax: (215) 923-2189

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